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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM
OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT

Report of the Special Rapporteur, Mr. P. Kooijmans, pursuant to
Commission on Human Rights resolution 1991/38

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113. The Special Rapporteur also transmitted the following cases of a number of persons said to have died as a result of torture in custody:

(a) Sergeant Oscar Armando Ponce Morales, a member of Infantry Battalion No. XV at Silín, Colón, who died on 13 November 1990 after being tortured at the battalion barracks;

(b) Eduardo Ramón Salgado, arrested on 2 March 1990 by the FUSEP in Santa Bárbara, Yoro;

(c) Victoriano Castillo Euceda, arrested on 2 September 1990 on the stretch between Choluteca and Tegucigalpa by DNI officers from Choluteca;

(d) Riccy Mabel Martínez, whose dead body was found at the bottom of a precipice on 13 July 1990, with marks of beatings and rape, by two members of the armed forces suspected of committing these acts.

India

Letters

114. On 17 April 1991 the Special Rapporteur sent a letter to the Government of India transmitting information concerning the case of Mr. Ram Swaroop, aged 40, from Narela Delhi, who was arrested on 28 January 1991 in connection with an alleged theft in a Delhi electricity company in which he was employed. He was taken to the R.K. Purum police station, where he was reportedly interrogated by Sub-Inspectors Jog Raj and Jartar Singh. On 31 January 1991 Mr. Swaroop was taken to the Safdarjung hospital, where he died shortly afterwards. The police reportedly claimed that the cause of death was a sudden attack of tuberculosis, a disease for which he had been treated four years earlier. But his relatives, who saw the body some time later, alleged that it showed clear signs of severe torture. It was not reported whether an autopsy had been conducted and whether an investigation into the death circumstances had been initiated, or what were the findings of such autopsy or investigation. According to the source two unnamed policemen had been suspended following the incident.

Indonesia

Letters and Government replies

115. On 29 April 1991 the Special Rapporteur sent a letter to the Government of Indonesia transmitting information according to which cases of torture occurred during 1990 in Indonesia, and particularly in East Timor, Irian Jaya and Aceh provinces, where rebel or separatist movements were said to be active. Alleged victims reportedly included student activists and members of groups in opposition to the Government, as well as common criminals. It was alleged that torture occasionally resulted in death and that it was perpetrated by local police authorities, as well as members of the national military. With regard to East Timor, it was alleged that anti-government activists were often subjected to torture or ill-treatment while they were held incommunicado in unofficial safe-houses or in detention centres of the security forces. The forms of torture or ill-treatment mentioned included beatings, burning with

lighted cigarettes, electric shocks, slashing with razor blades and immersion for long periods in water. The following cases of alleged torture were reported in East Timor:

(a) Abilio Mesquita, a student aged 23, arrested on 29 October 1990 in Dili;

(b) Constancio Concei Pinto, aged 26, a teacher at San José High School in Dili, arrested on 25 January 1991;

(c) Justina Moniz, aged 25, captured near Same in November 1989;

(d) Bai Meta, aged 48, captured on 2 August 1985 near Bibileo;

(e) Donaciano R. Costa Gomes, Francisco Maria Sousa, Clementino Faria, Guilherme Pereira, Antonio Pereira Lopes, Lourenço Pereira and José Manuel S. Fernandes, all of them students from Dili, removed by military personnel from the Bishop's residence on 4 November 1989; they were allegedly detained and tortured, including by electric shocks, and later released on 6 February 1990;

(f) Agostinho Pereira Martins, a student aged 21, detained on 17 January 1990 in Dili;

(g) Paulo Rossi, aged 23, a student, and Paulo Monteiro Babo, a teacher at the Ermera primary school, arrested on 17 January 1990;

(h) Sergio Fontura Guterres, detained in Dili on 16 October 1990;

(i) Domingos Pereira, aged 23, a student, detained on 17 October 1990 in Atsaba;

(j) Jose Francisco Magali, aged 14, a pupil at the "Paulo VI" school in Dili, detained on 8 November 1990;

(k) Belchior Pereira, a student at the "Paulo VI" school in Dili, detained on 8 November 1990;

(l) José Antonio Galucho, aged 31, a civil servant, arrested on 13 November 1990 in Dili;

(m) Cipriano Amaral, aged 35, a teacher in Atsabe, arrested on 7 December 1990 in Hatas;

(n) Adao Da Purificação, aged 45, civil servant in Maliana, and his brother Carlito Da Purificação, aged 30, arrested on 10 December 1990 in Leolima;

(o) Acacio de Araujo, aged 39, civil servant, arrested on 13 December 1990 in Ritabou;

(p) Olandino Guterres, aged 30, policeman, arrested on 17 December 1990 in Ritabou.

116. The Special Rapporteur also drew the Government's attention to the cases of Mr. Hendrik, a student at the University of Pakuan, in Bogor (West Java), Mr. Edi Murtono, a student at the University of Pancasila (Jakarta) and Mrs. Sandra Iskandar, a student at the Sekolah Teknik Tinggi Nasional (Jakarta). All three were reportedly arrested on 7 October 1990 by Indonesian Air Force soldiers during a farmers' demonstration in Majabengka in West Java and were allegedly subsequently tortured. It was claimed that Mr. Hendrik was admitted to the local hospital in Majabengka as a result of injuries sustained during his detention.

117. By letter dated 27 September 1991 the Government transmitted information with respect to some of the above-mentioned cases. It indicated, in particular, that Laurencio Pereira, José Manuel da Silva, Agostinho Pereira Martins, Cipriano Amaral, Sergio Fontura Guterres and Olandino Guterres had neither been detained nor subjected to torture. As for Abilio Mesquita, Constancio Concei Pinto, Francisco Maria, Clementino Maria, Guilherma Pereira, Antonio Pereira Lopez, Domingus Pereira, José Francisco Magali, Adao da Purificacao and Acacio de Araujo, the Government indicated that they had indeed been arrested and questioned for their involvement in various unlawful activities, but all of them had subsequently been released. Finally, with regard to Bai Beta, Donaciano Costa Gómez and José Antonio Galucho the Government informed the Special Rapporteur that Bai Beta had returned to his home village on 31 March 1990, Donaciano Costa had been repatriated to Portugal and José Antonio Galucho had been arrested on 13 November 1990 for criminal activities and money laundering and sentenced to two and a half years in prison.

Islamic Republic of Iran

Urgent appeals and Government replies

118. On 20 December 1990 the Government of the Islamic Republic of Iran sent a letter to the Special Rapporteur in reply to his urgent appeal dated 20 July 1990 (E/CN.4/1991/17, para. 87) concerning the situation of several ministers or associates of former Prime Minister Mehdi Bazargan. The Government informed the Special Rapporteur that several of the persons mentioned in the appeal had been released on 10 December 1990. Those released were Reza Sadr, Ezatollah Sahabi, Farhad Behbahani, Abbas Ghaem Al Sabahi, Mahmoud Naimpoor, Nour Ali Tabandeh and Hossein Shah Hosseini. It was further affirmed that under article 38 of the Constitution of the Islamic Republic of Iran any kind of torture or ill-treatment was strictly prohibited by law.

119. On 23 January 1991 the Special Rapporteur sent an urgent appeal to the Government of the Islamic Republic of Iran transmitting further information he had received on the cases of Abdolali Bazargan and Mohammad Tavassoli Hojati, mentioned, among other persons, in his telegram dated 20 July 1990 (E/CN.4/1991/17, para. 87). According to that information, Abdolali Bazargan had been moved from Evin prison to a detention centre in Tehran for further interrogation, allegedly in order to force him into giving a televised confession. It was also reported that since his arrest in June 1990 he had received only one visit from his family, and that he had been beaten during the early stages of his detention. Regarding Mohammad Tavassoli Hojati, it was reported that he had been under continuing pressure to give a similar